IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17849 of 2004

Between:

K.C. Narasinga Rao, S/o. Nasoji Rao,
Kidair Village and Mandal, Anantapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, (Civil Supplies) Anantapur District.
2 The Joint Collector, Ananthapur, Ananthapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not concluding the enquiry proceedings i.e. Rc.No.D1/CS/1786/2003, dated 9-12-2003 initiated by the 1st respondent is arbitrary, illegal and violation of Article 21 of the Constitution of India and consequently direct the respondents to conclude the enquiry proceedings i.e Rc.No. D1/CS/1786/2003 dated 9-12-2003 forthwith preferably within one week.

Counsel for the Petitioner: MR.KUN.MAHESWARA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is a Fair Price Shop dealer of Kudair village and Mandal, Ananthapur District.

On 09-12-2003, the first respondent-Revenue Divisional Officer (Civil Supplies) Anantapur District issued a show cause notice calling upon the petitioner to submit his explanation with regard to the allegation that he has misused 172.05 quintals of Food for Work rice and thereby causing inconvenience to the coolies as well as to the administration. The petitioner states that thereafter on 11-02-2004, the Mandal Revenue Inspector inspected the shop during which the petitioner produced all the rice coupons to show that the rice has already been distributed, on the basis of which, the Mandal Revenue Inspector submitted his report. The petitioner states that the said report is in his favour and therefore, the first respondent ought to have passed an order dropping the charges framed against the petitioner. Since the first respondent failed to pass any such order so far, this writ petition is filed seeking declaration that the action of the respondents in completing the enquiry as arbitrary and illegal. However, the learned Counsel for the petitioner states that since in the inspection conducted by the Mandal Revenue Inspector, the allegations were found to be incorrect, the petitioner has not submitted any explanation to the show-cause notice. If that be so, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to submit the necessary explanation within a period of three weeks from today. Thereafter, the first respondent shall consider the same and after

conducting necessary enquiry, pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of explanation from the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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04-10-2004

Note: Issue C.C. by three days

(B/o)

kdl

To

1 The Revenue Divisional Officer, (Civil Supplies) Anantapur District.
2 The Joint Collector, Ananthapur, Ananthapur District.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.